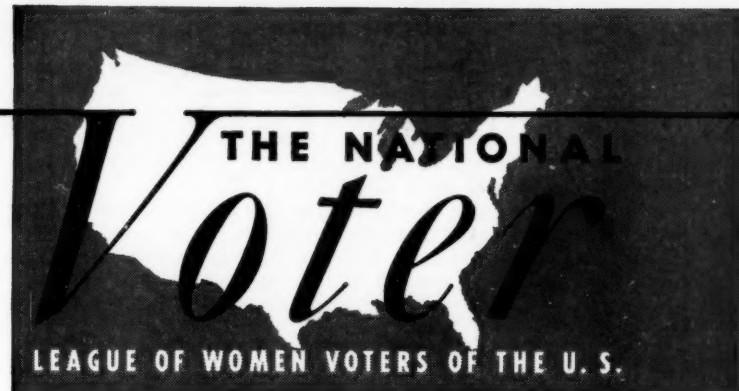
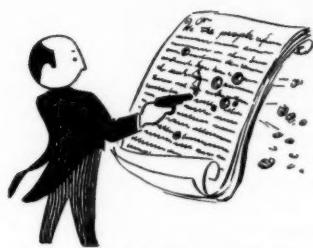


MARCH 1, 1953



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Are treaties riddling the Constitution?

## Bricker Amendment to the Fore

For two years, the Peace and Law Committee of the American Bar Association has been agitating for Constitutional amendment which would limit the scope of the government's power to conclude treaties and Executive Agreements. Last year Senator Bricker (R., Ohio) introduced a resolution embodying the essence of the Peace and Law Committee's proposal. Hearings were held but no committee report was made. Now Senator Bricker, with 63 co-sponsors, has introduced a slightly modified resolution (S. J. Res. 1). Hearings began on February 16 before a Senate Judiciary subcommittee.

The proposed amendment has provoked much controversy and is being hotly debated. We are presenting here a pro and con discussion of the issue.

### PRO

THOSE who want to change the treaty-making power have three main arguments:

1. The federal government can and has increased its jurisdiction over the 48 states as a result of treaties.
2. There is a danger that international organizations will interfere with U. S. domestic policies, thereby taking away part of our sovereignty or limiting the freedom of our citizens.
3. By the use of Executive Agreements with other nations the President has increased his powers at the expense of Congress.

The reasoning of the proponents runs like this: The Supreme Court in 1920 decided (*Missouri vs. Holland*) that a treaty can give powers which Congress might not otherwise have under the Constitution. With so many international organizations drafting treaties these days on subjects formerly considered purely domestic, a Constitutional amendment should prohibit treaties which enlarge the powers of Congress or deal with essentially domestic problems. The amendment should provide that a treaty can be given effect in U. S. law only when Congress passes separate "enabling" legislation. The procedure would then be: After the President has negotiated a treaty, and the Senate ratified it by a two-thirds majority, the House and Senate by a majority vote would have to pass legislation in order to make a treaty part of U. S. law.

The Constitutional amendment should also prohibit the President from entering into Executive Agreements which are not brought before the Senate for ratification.

### CON

The opposition to the proposed Constitutional amendment comes from such organizations as the New York City Bar Association, the American Association

for the UN, and members of the committee on International Law of the American Bar Association.

The opponents argue:

1. Supreme Court decisions from our early history make it quite clear that a treaty cannot be used to abridge rights guaranteed under the Constitution.
2. It is essential that the federal government be able to deal with all kinds of situations and emergencies arising in world affairs. A government that ties its own hands not only endangers its security but also hampers its relations with other nations.
3. When the U. S. is encouraging other nations to relinquish some of their sovereignty to join a European Army and a European Coal and Steel Community, it is hypocritical for us to limit our own freedom to enter into treaties or cooperate on matters of international concern. We may reduce the effectiveness of our efforts to strengthen the free world against aggression.
4. It is very likely that such a Constitutional amendment would prevent us from participating in any kind of a disarmament plan, the international control of atomic energy, and might adversely affect the Reciprocal Trade program.

The opponents also ask why the supporters of the proposed amendment do not believe that the President, the Senate, and the Supreme Court will be able to tell a bad treaty from a good one?

The opposition believes the drive for a Constitutional amendment is a concealed attack on the UN. They think the amendment, if adopted, would make it difficult, if not impossible for the U. S. to work toward making the UN more effective.



Would the amendment tie our hands?

## **Exercise in Budget Trimming**

AS one means to the general overhaul of the budget promised by the new Administration, the House Appropriations Committee has instituted a new procedure. This Committee, where all appropriation bills originate, has set up "teams" composed of industrialists, bankers, members of the American Institute of Accountants, professional research men and employees of the General Accounting Office—75 people in all. Each team has been assigned to a department or agency in the Executive Branch. Their assignment is to conduct inquiries into all budgetary requests, analyzing and evaluating them, then advising the members of the Appropriations subcommittee charged with preparing the section of the appropriation bill dealing with that particular department. One purpose is to supply the Committee members with ammunition in the way of pertinent questions to ask at the hearings when officers of the departments and agencies appear to justify their requests for funds.

Since the professional Committee staff at this time has been reduced to four members, the findings of these investigating teams will be the principal source of information on which to base budget cuts. The \$250,000 voted to the House Appropriations Committee during the closing days of the 82nd Congress is being used to finance this new system of investigations. The House Committee's findings will be available to the Senate Appropriations Committee.

The Senate Committee was given a like sum, some of which is being used to employ more staff. (This Committee plans to hold open hearings on appropriation bills this year.)

A similar procedure, but on a smaller scale and with the investigatory work on a voluntary basis, was tried during the 80th Congress, the last time the Republicans held a majority control. Party leaders point to the balanced budget and tax reductions of that Congress as evidence of the effectiveness of this method of dealing with appropriation measures.

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### **★ CONGRESSIONAL SPOTLIGHT ★**

**Treaties (S.J. Res. 1-The Bricker Amendment):** Hearings are now in progress before a Senate Judiciary subcommittee. The chairman, Senator Langer, (R., N. D.) has indicated his desire to conclude the hearings quickly.

**Treaties (S.J. Res. 43):** Introduced by Senator Watkins this bill covers the same field as S.J. Res. 1 in simpler and broader language.

**Supplemental Appropriation (H.R. 3052):** Funds to carry various agencies of the government until June 30, 1953. The House Appropriations Committee cut the funds appropriated in this bill by 61%—a total reduction of \$1.5 billion. President Truman's recommendation to restore funds cut by the 82nd Congress for UN Technical Assistance and Point Four has not been followed in this bill nor is it under consideration by any subcommittee.

**Tax Cut (H.R. 1):** Bill to cut income taxes by 11% was approved by the House Committee on Ways and Means by a vote of 21 to 4. Bill now goes to the House Rules Committee.

## **D. C. Home Rule**

"AN ACT to provide for home rule in the District of Columbia" has once again been introduced in the Senate. Senator Case (R., S.D.), who was a sponsor of similar legislation in the 82nd Congress, has been joined in this Congress by 31 Senators, equally divided between the parties.

Writing a charter for any city is difficult, but writing one for the nation's capital is complicated by the necessity of protecting the federal interest in the government of the city and at the same time allowing the greatest possible measure of self-government to the residents.

The 1953 model of this legislation generally resembles the "District of Columbia Charter" Acts which passed the Senate in 1950 and 1952 but which never were reported out of the House Committee on the District of Columbia. This bill (S. 999) provides for an elected Council of nine members, a Mayor appointed by the President, an elected Board of Education of nine members, and a non-voting Delegate in the House of Representatives.

Home rule proposals are designed to grant local suffrage to the residents of the District and to relieve the Congress of the burden of acting as a City Council. Two of the most difficult problems which always arise are: (1) who shall be eligible to vote, and (2) what legislative functions Congress can constitutionally delegate to the local government. Proposals covering these points have aroused considerable division of opinion.

S. 999 makes it possible for those who must be domiciled in Washington to vote for members of the Council and School Board while retaining their right to exercise their franchise for federal election in the states in which they have legal residence.

The City Council is authorized to pass ordinances which will take effect 60 days after passage, 30 days in emergencies. Congress retains the authority, as it must under the Constitution, to repeal or amend acts of the Council.

With such strong bipartisan support it would appear that S. 999 should have smooth sailing in the Senate. In his State of the Union message, President Eisenhower said "Serious attention should be given to the proposal to develop and authorize through legislation, a system to provide an effective voice in local self-government." All in all the outlook for passage of D.C. home rule legislation in this Congress is very bright.

The President has turned down the recommendation of the Tariff Commission to raise the tariff on imported briar pipes. He indicated, however, that this was an interim decision and he would make final recommendations on our trade policy when he had more information. On February 17 Mrs. Lee wrote to President Eisenhower urging him to disapprove the tariff increase—the first on which he had been asked to rule.

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